

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., May 3, 2005

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the April 26, 2005 regular and special meetings
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AWARDS AND PROCLAMATIONS

- Proclamations
 - Recognition of Sister Cities Student Ambassadors to Cancun.
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PUBLIC AGENDA

1. King David Davis-The honor of such an opportunity for exceed what I can speak or imagine.
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CONSENT AGENDA

2. Report of the Board of Bids and Contracts Dated May 2, 2005.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

3. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Troy Hendricks	Auburn Hill Golf Course*	443 S. 135 th Street West
<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Brandon Dier	Speedway	565 South Market
Robin E. Forbis	Wal-Mart Supercenter #3283	10600 West 21 st Street

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

4. Preliminary Estimates:

- a) 2005 Sanitary Sewer Reconstruction, Phase 4 - various locations between Maize & Woodlawn, from 11th Street North to 35th Street South. (468-83975/620430/665550) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV) - \$265,000
- b) 24 Inch Water Main along Maple Street from 151st Street West to west of Wind Lakes Drive to serve Miles West Wind Lakes Addition - along Maple Street, west of 151st Street West. (448-89944/635656/764701) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$236,500
- c) Aksarben from the south line of Lot 37, Block A, south to the north line of Lost Creek; Lost Creek from the west line of Aksarben, east to the east line of the Plat; Harvest Lane from the west line of Aksarben, west to the west line of the Plat; Aksarben, from the south line of Lost Creek Circle, south to the south line of the Plat; Harvest Lane Court from the north line of Harvest Lane, north to and including the cul-de-sac; Aksarben Court from the west line of Aksarben, west to and including the cul-de-sac; Lost Creek Circle from the south line of Lost Creek, west to and including the cul-de-sac; Sidewalk on one side of Aksarben, Harvest Lane and Lost Creek to serve Copper Gate Estates Addition (south of 13th Street North, west of 135th Street West) (472-83671/765901/490014) Does not affect existing traffic. (District V) - \$415,000

RECOMMENDED ACTION: Receive and file.

5. Petitions for Public Improvements: Construct a Sanitary Sewer in Fontana Addition, east of 119th Street West, north of 29th Street North. (District V)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

6. Minutes of Advisory Boards/Commissions:

District VI Advisory Board, February 7, 2005
Employees Retirement Board Police & Fire, March 3, 2005
District VI Advisory Board, March 7, 2005
District I Advisory Board, March 7, 2005
Board of Code Standards and Appeals, March 7, 2005
Board of Park Commissioners, March 14, 2005
Wichita Public Library monthly report, March 2005

RECOMMENDED ACTION: Receive and file.

7. Consideration of Street Closures/Uses.

Big Dog Motorcycles-Tornado Rally, June 10-12

One-block area including Big Dog Motorcycles at 1520 East Douglas
6:30 p.m., Friday to Midnight, Sunday, June 10-12

- Douglas from New York to west edge of Hydraulic, (Hydraulic open)
- New York from Douglas to First Street, (First Street open)
- Pennsylvania from Douglas to First Street

Taste of Wichita, July 1 & 2.

- Area including Douglas Street Bridge, West Bank, and city parking at SW corner of First & Waco.
6:30 p.m., Friday to Midnight, Saturday, July 1 & 2
- Douglas Street Bridge east to McLean
- McLean north to First Street, (First Street will remain open)

RECOMMENDED ACTION: It is recommended that the City Council approve the request subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets.

8. Report on Claims Allowed for March 2005:

<u>Name of Claimant</u>	<u>Amount</u>
Alter, John	\$82.50
Blair Construction	\$145.00
Brown, John B.	\$270.00
Hamilton, Michelle E.	\$3,361.53
Johnson, Crystal	\$5,000.00**
Jones, Phyllis	\$159.45
McDonough, Patti (Simon Property Group)	\$4,250.00
Studemine, Margie	\$2,482.30

** Settled for lesser amount than claimed.

RECOMMENDED ACTION: Receive and file.

9. Agreements/Contracts:

- a) Easement Encroachment Agreement/Twenty First Growth, LLC. (District II)
- b) Construction engineering and staking in Fox Ridge Addition, north of 29th Street North, between Maize and Tyler. (District V) – Supplemental.
- c) Release Agreement with Murillo Studios, improvements to Central Riverside Park. (District VI)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

10. Design Services Agreement: Water Distribution System for a new Goddard School Building, north of Kellogg, east of 167th Street East. (District V)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

11. Change Order: Waterwalk Public Improvements, north of Kellogg, west of Main. (District I)

RECOMMENDED ACTION: Approve the Change Order and authorize the necessary signatures.

12. Property Acquisitions:

- a) 609 South Pinecrest for the Dry Creek Basin Property Acquisition Project. (District III)
- b) Part of 4902 East Central: Oliver to Woodlawn. (Districts I and II)
- c) Easements at 2000 North Greenwich Road for the Northeast Sewer Project. (District II)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

13. Purchase of Option, Multimedia Security Services, Inc. (District I)

RECOMMENDED ACTION: Adopt the Resolution approving the Termination and Release of Lease and Site Agreement and authorize the necessary signatures, with delivery contingent upon satisfaction of all conditions for reconveyance under the Lease Agreement.

14. Sidewalk Repair Assessment Program.

RECOMMENDED ACTION: Approve the proposed assessments and place the Ordinance on first reading.

15. Amending Ordinances and Resolution: Central between I-235 Freeway and West Street; Broadway between Kellogg and Douglass; the K-96 Bike Path, from Oliver to the East City Limits and the 9th Street Bridge at the Westlink Tributary to Cowskin Creek. (District I, II, IV, V and VI)

RECOMMENDED ACTION: Adopt the Amending Resolution and place the Amending Ordinances on first reading.

16. Granting of an Easement across City Property at the 2300 Block of East MacArthur. (District III)

RECOMMENDED ACTION: Approve the easements and authorize the necessary signatures.

17. Second Reading Ordinances: (First read April 26, 2005)

- a) A05-04R - generally located northeast of the intersection of 29th street north and 119th street west. (District V)

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas. (A05-04R)

- b) A05-05R - generally located southwest of the intersection of Greenwich Road and 21st Street North. (District II)

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas. (A05-05R)

RECOMMENDED ACTION: Adopt Ordinances.

NEW BUSINESS

18. First Supplemental and Amending Trust Indenture, Beauty First Project. (District II)

On August 19, 2004, the City Council approved the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$3 million, to River Sharpe Properties LLC for the benefit of the Beauty First project.

RECOMMENDED ACTION: Place the Ordinance authorizing the First Supplemental Indenture, amending and supplementing the 2004 Indenture on first reading and authorize the necessary signatures.

19. Public Hearing and Tax Exemption Request, ZTM, Inc. (District III)

On December 19, 2000, the City Council approved a five-plus-five year 98% ad valorem tax exemption to ZTM, Inc. for an expansion that included acquisition of an existing facility and purchase of new manufacturing equipment.

RECOMMENDED ACTION: Close the public hearing and place the ordinance granting a 62.5% tax exemption on the identified personal property improvements for a five-year term on first reading and authorize the necessary signatures.

20. Public Hearing and Tax Exemption Request, Custom Cupboards, Inc. (District IV)

On July 20, 2004, the City Council approved a five-plus-five year 97.5% ad valorem tax exemption to Custom Cupboards, Inc. for an expansion that included construction of a building addition and purchase of new equipment.

RECOMMENDED ACTION: Close the public hearing; and place the ordinance on first reading granting a 75% tax exemption on the identified real and personal property improvements for a five-year term and a 75% exemption on real property only for a further five-year period, subject to City of Wichita Council review.

21. Letter of Intent for Old Town Courtyard by Marriott Hotel Project. (District VI)

Since 1993, it has been the policy of the City of Wichita to support the development of new hotel properties in the Downtown area by offering incentives to hotel developers. City staff has been working with a local hotel developer, Jim Korroch of AG Holding, LLC, to identify a package of incentives that will allow Mr. Korroch to purchase an old warehouse in the Old Town area and convert it to a Courtyard by Marriott Hotel.

RECOMMENDED ACTION: 1) approve the Letter of Intent to issue a not-to-exceed \$12 million in industrial revenue bonds for Old Town Lodging, LLC to develop the Courtyard by Marriott Hotel in Old Town, to approve necessary waivers to allow the use of the Façade Improvement Program up to the amount of \$1.5 million, and to approve a Section 108 loan under the Biz Loan Program; 2) approve a 100% property tax abatement on all bond-financed property for an initial five-year term, plus a second five-years based on City Council review and approval, subject to an annual payment-in-lieu-of-taxes in the amount of \$45,000 less actual taxes paid; 3) authorize staff to apply to the Kansas Department of Revenue for a sales tax exemption on all bond-financed purchases; 4) authorize the necessary signatures.

22. Ordinance to authorize Section 108 Wichita Biz Loan Program Amendments.

On November 20, 2001, the City Council approved the original ordinance and execution of the HUD Section 108 Contract for Loan Guarantee Assistance and EDI funding agreements. The current prepared revision will amend the ordinance to eliminate the maximum loan amount allowable for any one project for the Wichita Biz Loan Program.

RECOMMENDED ACTION: Place the Ordinance on first reading and authorize the required public notice.

23. Naming of Park Land at 3500 East Cessna and 1340 South Pattie. (Districts I, II, and III)

The policy calls for a seven-member committee consisting of residents appointed by the Mayor and City Council to formulate the recommendation prior to City Council consideration. On March 4, 2003, the City Council approved the official naming committee to be the Board of Park Commissioners.

RECOMMENDED ACTION: The City Council name the site at 1340 South Pattie "Goldenrod Park", name the new Facility at 1340 South Pattie the "George F. Williams Community Center", name the Site in Planeview, "Stearman Park", and Name the bike path along Gyp Creek the "Sylvia Hirahara-Hartley Bike Path and Trail.

24. Ice Sports. (District IV)

In 1996, the City signed a 15-year management agreement with Canlan Ice Sports Corp. to manage an operate Ice Sports-Wichita.

RECOMMENDED ACTION: It is recommended that the City Council: (1) authorize staff to negotiate an end of the contract with Canlan Ice-Sports Corporation; (2) authorize payment of expenses and subsidies necessary to keep the Ice Sports-Wichita facility open during the transition in operators; and (3) authorize the issuance of an RFP to select a new management company.

25. Revision of Chapter 7.72-Pools, Spas and other Water Features.

In recent years, awareness of the risk of recreational water borne illness has increased. The present code is not consistent with current generally accepted standards for health and safety.

RECOMMENDED ACTION: Approve the revision of Chapter 7.72 of the City Code and place the Ordinance on first reading.

26. Hydraulic Improvement between 57th Street South and 63rd Street South. (District III)

The 2002-2011 Capital Improvement Program adopted by the City Council included a project to improve Hydraulic from MacArthur to 57th Street South.

RECOMMENDED ACTION: Approve the project and place the Ordinance on first reading.

27. Petition to Assess a Sanitary Sewer Main Benefit Fee to the Whistling Walk Estates Additions, south of 13th, west of 119th Street West. (District V)

The signatures of the Petition represents 29 of 57 (50.88%) resident owners and 43.94% of the improvement district area.

RECOMMENDED ACTION: Approve the Petition and adopt the Resolution.

28. Petition to Construct a Sanitary Sewer Lateral to serve the Whistling Walk Estates Additions, south of 13th Street, west of 119th Street West. (District V)

The signatures on the Petition represent 29 of 54 (53.7%) resident owners and 53.63% of the improvement district area.

RECOMMENDED ACTION: Approve the Petition and adopt the Resolution.

29. Petition to Construct a Water Distribution System to serve the Whistling Walk Estates Additions, south of 13th Street, west of 119th Street West. (District V)

The signatures on the Petition represent 30 of 57 (52.63%) resident owners and 55.57% of the improvement district area.

RECOMMENDED ACTION: Approve the Petition and adopt the Resolution.

30. Ordinance Amendments, Sections 3.95.080 and 3.95.120, relating to Transient Merchants.

In 2003, the transient merchants ordinances were amended to address traffic, parking, noise and other complaints made by citizens of Wichita regarding activities of transient merchants. As part of this permit process, conflicts have developed regarding certain provisions of the transient merchant ordinances, which limit the number and placement of vendors and plans for certain community events.

RECOMMENDED ACTION: Place the Ordinance on first reading.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

31. ZON2004-67-Zone change from Limited Commercial and Multi-family Residential to General Commercial. Generally located at the southwest corner of Hydraulic Avenue and 13th Street North. (District I)

RECOMMENDED ACTION: 1) Concur with the findings of the MAPC
And approve the zone change subject to
The recommended provisions of Protective
Overlay #154; place the ordinance establishing
The zone change on first reading;
2) Return the application to the MAPC for
reconsideration; or
3) Deny the application.

32. *CUP2005-09, associated with (ZON2005-06)-Creation of DP282 Foliage Center Commercial Community Unit Plan; Zone Change to Limited Commercial. Generally located at the northwest corner of 13th Street North and Webb Road. (District II)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change and CUP subject to the condition of platting within one year and the recommended conditions; instruct the Planning Department to place the ordinance on first reading when the plat has been recorded with the Register of Deeds; or
2) Return the application to the MAPC for reconsideration.

33. *ZON2005-00004-Zone Change from Single-Family Residential to Office Warehouse. Generally located north of Central and east of McComas. (District VI)

RECOMMENDED ACTION: 1) Concur with the findings of the MAPC and place the ordinance establishing the zone change to Neighborhood Retail on first reading; or
2) Return the application to MAPC for reconsideration.

34. *VAC2004-00067-Request to vacate platted right-of-way located midway between West Street and the Big Ditch-Cowskin Floodway, north of MacArthur Road and west of Baehr Street. (District IV)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

35. *SUB2004-114-Plat of Oak Creek Addition located on the southwest corner of 21st Street North and Greenwich Road. (District II)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures; adopt the Resolutions and place the ordinance on first reading.

36. *DED2005-07-Dedication of Street right-of-way and DED2005-08-Dedication of a utility easement, located south of Central and on the east side of Ridge Road. (District VI)

RECOMMENDED ACTION: Accept the dedications.

37. *DED2005-09-Dedication of a water easement, located south of 21st Street North and on the east side of Tyler Road. (District V)

RECOMMENDED ACTION: Accept the dedication.

38. *DED2005-10-Dedication of Access Control for property located on the north side of Maple Street and west of Maize Road. (District V)

RECOMMENDED ACTION: Accept the Dedication.

39. *DED2005-12 and DED2005-13-Dedication of street right-of-way, located on the northwest corner of Douglas and Tyler Road. (District V)

RECOMMENDED ACTION: Accept the dedications.

40. *A05-07R-Request by Maple Group, LLC to annex lands generally located northeast of the intersection of 151st Street West and Maple Street. (District V)

RECOMMENDED ACTION: Approve the annexation request and place the Ordinance on first reading.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

*Consent items

41. *Midfield Road Site Development.

RECOMMENDED ACTION: Approve the project budget; adopt the resolution and authorize the necessary signatures.

42. *Remote Parking Lot-Change Order.

RECOMMENDED ACTION: Approve the change order and authorize the necessary signatures.

CITY COUNCIL

43. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

Adjournment

Workshop to follow